



## Notice of Service of Process

AYH / ALL  
Transmittal Number: 23328008  
Date Processed: 06/10/2021

**Primary Contact:** Dave Lefere  
Destin Transportation Inc.  
900 Monroe Ave N.W.  
Grand Rapids, MI 49503-2474

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<b>Entity:</b>	Destin Transportation Inc. Entity ID Number 3467031
<b>Entity Served:</b>	Destin Transportation, Inc.
<b>Title of Action:</b>	Theodore J. Stypa vs. Destin Transportation, Inc.
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Personal Injury
<b>Court/Agency:</b>	Cuyahoga County Court of Common Pleas, OH
<b>Case/Reference No:</b>	CV21948019
<b>Jurisdiction Served:</b>	Ohio
<b>Date Served on CSC:</b>	06/03/2021
<b>Answer or Appearance Due:</b>	28 Days
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Certified Mail
<b>Sender Information:</b>	Douglas S. Hunter 216-292-5200

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

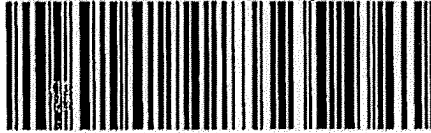
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

<b>EXHIBIT</b> <b>A</b>
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NAILAH K. BYRD  
1200 Ontario  
Cleveland, OH 44113

Case# CV21948019

RETURN RECEIPT REQUESTED ELECTRONICALLY



9314 8001 1300 3544 7891 98



DESTIN TRANSPORTATION, INC.  
C/O CORPORATION SERVICE COMPANY,  
STATUTORY AGENT  
50 WEST BROAD STREET, SUITE 1330  
COLUMBUS OH 43215

**SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER  
CLEVELAND, OHIO 44113**

CASE NO.  
CV21948019

D1 CM

SUMMONS NO.  
44520545

Rule 4 (B) Ohio

Rules of Civil  
Procedure

**SUMMONS**

THEODORE J. STYPA  
VS

PLAINTIFF

DESTIN TRANSPORTATION, INC., ET AL.

DEFENDANT

DESTIN TRANSPORTATION, INC.  
C/O CORPORATION SERVICE COMPANY,  
STATUTORY AGENT  
50 WEST BROAD STREET, SUITE 1330  
COLUMBUS OH 43215

You have been named defendant in a sums  
complaint (copy attached hereto) filed in Cuyahoga  
County Court of Common Pleas, Cuyahoga County  
Justice Center, Cleveland, Ohio 44113, by the  
plaintiff named herein.

You are hereby summoned and required to  
answer the complaint within 28 days after service  
of this summons upon you, exclusive of the day of  
service.

Said answer is required to be served on:

Plaintiff's Attorney

DOUGLAS S HUNTER  
24100 CHAGRIN BLVD.  
  
SUITE 280  
CLEVELAND, OH 44122-0000

Said answer is required to be served on Plaintiff's  
Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court  
within 3 days after service of said answer on  
plaintiff's attorney.

If you fail to do so, judgment by default will be  
rendered against you for the relief demanded in the  
complaint.

Case has been assigned to Judge:

ASHLEY KILBANE  
Do not contact judge. Judge's name is given for  
attorney's reference only.

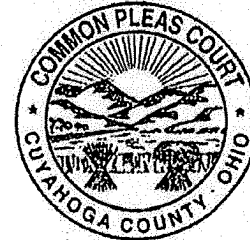
NAILAH K. BYRD  
Clerk of the Court of Common Pleas

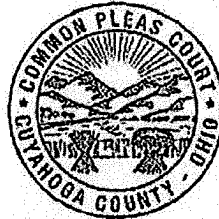
*J. Kelly*

By \_\_\_\_\_  
Deputy

DATE SENT  
May 27, 2021

COMPLAINT FILED 05/26/2021





**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed: COMPLAINT**  
**May 26, 2021 16:37**

By: DOUGLAS S. HUNTER 0072815

Confirmation Nbr. 2263291

THEODORE J. STYPA

CV 21 948019

vs.

DESTIN TRANSPORTATION, INC., ET AL.

**Judge: ASHLEY KILBANE**

Pages Filed: 6

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

THEODORE J. STYPA  
5668 Wellington Road  
Lyndhurst, OH 44124

Plaintiff,

vs.

DESTIN TRANSPORTATION, INC.,  
c/o Corporation Service Company,  
Statutory Agent  
50 West Broad Street, Suite 1330  
Columbus, Ohio 43215

and

ANTHONY M. EACHES  
6842 Walnut Creek Court  
Temperance, MI 48182

And

MEDICAL MUTUAL OF OHIO  
2060 East 9<sup>th</sup> Street  
Cleveland, Ohio 44115

Defendants.

CASE NO.:

JUDGE:

COMPLAINT WITH JURY DEMAND  
ENDORSED HEREON

Now comes the Plaintiff, Theodore J. Stypa, by and through counsel, and states as follows for his Complaint against the Defendants.

**COUNT ONE**

**(Negligence –Anthony M. Eaches)**

1. On or about September 6, 2019, Plaintiff, Theodore J. Stypa (hereinafter “Plaintiff”), was the operator of a motor vehicle, which proceeding westbound on I-480 and slowed or stopped in traffic in the City of Warrensville Heights, County of Cuyahoga and State of Ohio.

2. At the same time and place, Defendant Anthony M. Eaches (hereinafter “Defendant Eaches”) was the operator of a motor vehicle which was also proceeding westbound on I-480 and immediately behind the vehicle in which the Plaintiff was lawfully proceeding.

3. At all times relevant herein, Defendant Destin Transportation, Inc., (hereinafter “Defendant Destin”) was the owner of the vehicle being operated by Defendant Eaches, who was believed to be in the course and scope of his employment and/or agency with Defendant Destin.

4. At this time and place, Defendant Eaches failed to maintain an assured clear distance ahead and caused the front of his vehicle to collide with the rear of Plaintiff’s vehicle.

5. The aforesaid collision was proximately caused by the negligence, negligence *per se*, recklessness, and carelessness of Defendant Eaches, which negligence includes his failure to maintain an assured clear distance ahead.

6. As a direct and proximate result of Defendant Eaches’ negligence, Plaintiff sustained injuries and damages which include, but are not limited to, injuries to his neck, back, and other parts of his body, all of which have caused him much pain and suffering which pain and suffering is expected to continue into the indefinite future and may be permanent in nature.

7. As a further direct and proximate result of Defendant Eaches’ negligence, Plaintiff has incurred considerable medical, pharmaceutical, and hospital expense, in an amount

exceeding \$17,800, which expense may continue into the indefinite future.

8. As a further direct and proximate result of Defendant Eaches' negligence, Plaintiff has lost wages and suffered other economic harm all to his legal detriment.

### **COUNT TWO**

#### **(Negligence – Destin Transportation Inc.)**

9. Plaintiff incorporates the allegations contained in paragraphs 1 through 8 in Count One of this Complaint as if the same had been fully rewritten herein.

10. At all times relevant herein, Defendant Destin was the owner of the vehicle being operated by Defendant Eaches.

11. Defendant Destin knew or should have known that Defendant Eaches was a negligent and/or incompetent driver and did negligently entrust its vehicle to Defendant Eaches.

12. Plaintiff further states that Defendant Destin was negligent in training, hiring, and/or retaining Defendant Eaches as a truck driver, which resulted in Defendant Eaches posing a danger to himself and others on the public roads.

13. Plaintiff further states that Defendant Eaches was acting in the course and scope of his employment and/or agency at the time of the incident described more fully above. Defendant Destin is therefore liable to Plaintiff under the theory of *respondeat superior*.

14. As a direct and proximate result of Defendant Destin's negligence, the Plaintiff was caused to suffer the injuries and damages set forth more fully above.

### **COUNT THREE**

#### **(Declaratory Relief - Claim for Subrogation – R.C §2323.44 – Medical Mutual of Ohio)**

15. The Plaintiff incorporates the allegations set forth in paragraphs 1 through 14 of Counts One and Two of this Complaint as if the same was fully rewritten herein.

16. At all times relevant hereto, Plaintiff was covered by a policy of health care insurance through Defendant Medical Mutual of Ohio (hereinafter "Defendant Medical Mutual"), which provided health insurance to cover medical treatment received by Plaintiff for the injuries suffered in the within matter.

17. Defendant Medical Mutual may have, or claim to have, a lien, claim, or interest in whatever amounts Plaintiff may be entitled to recover herein from the tortfeasor-Defendants or from any other source of compensation.

18. Pursuant to Ohio Civil Rule 19, Defendant Medical Mutual is a necessary and indispensable party to this action.

19. Plaintiff claims that Defendant Medical Mutual is not entitled to recover any monies from any source until Plaintiff has been fully compensated for his injuries and damages. To the extent that Plaintiff is not, then said Defendant Medical Mutual's claims against Plaintiff or any other party or entity, including the tortfeasor-Defendants herein, shall be diminished in the same proportion as the Plaintiff's is diminished in accordance with R.C. §2323.44.

20. Defendant Medical Mutual may contend that it does, in fact, have a right to recover whatever monies may be available to Plaintiff, even though Plaintiff has not been fully compensated for his injuries and damages.

21. As a result of the foregoing, a justiciable controversy exists pursuant to R.C. §2323.44, regarding what rights, if any, Defendant Medical Mutual has to any monies which Plaintiff may be able to recover as a result of this collision.

22. Plaintiff demands that Defendant Medical Mutual prove their alleged claims.

WHEREFORE, the Plaintiff, Theodore J. Stypa, demands judgment against Defendants, Anthony M. Eaches and Destin Transportation, Inc., jointly and severally, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), plus court costs and any other proper and just relief which this court may deem appropriate; and for Declaratory relief defining the rights, duties, and obligations of Defendant Medical Mutual of Ohio, pursuant to the terms of the policy of health insurance issued by them to cover the Plaintiff, and that said Defendant participate in the within action so that all issues between the parties can be resolved including these Defendant's entitlement to any of the proceeds of a settlement and/or judgment arising from the subject collision which caused injuries and damages to the Plaintiff, in accordance with R.C. 2323.44.

Respectfully submitted,

HOFFMAN LEGAL GROUP, LLC

/s/ Douglas S. Hunter

DOUGLAS S. HUNTER (#0072815)

MATTHEW S. FLEMMING (#0090995)

24100 Chagrin Blvd., Suite 280

Cleveland, Ohio 44122

(216) 292-5200

(216) 292-8766 (Fax)

[dhunter@hoffmanlegalgroup.com](mailto:dhunter@hoffmanlegalgroup.com)

[mflemming@hoffmanlegalgroup.com](mailto:mflemming@hoffmanlegalgroup.com)

Attorneys for Plaintiff

**JURY DEMAND**

Plaintiff respectfully requests a trial by jury for all issues in the within matter which are triable to a jury.

/s/ Douglas S. Hunter

DOUGLAS S. HUNTER

MATTHEW S. FLEMMING

Attorneys for Plaintiff

